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### REMARKS

This amendment is submitted in response to the Examiner's Action dated November 23, 2004. Applicant has amended the claims to more clearly recite the novel features of the invention and distinguish the claims from the references. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicant respectfully requests entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

### CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

At numbered paragraph 4 of the present Office Action, Claims 1-3, 6, 9-14, 17, 20-25 and 31-33 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Ball, et al.* (U.S. Patent Publication No. US 2002/0120648 A1). *Ball* does not anticipate Applicant's claimed invention because *Ball* does not teach several novel elements recited by Applicant's claims, which are reproduced in relevant part as follows:

(1) "*evaluating at said client a downloaded file ... a source identifier is present in said downloaded file, ... stored at said client with a name string and a signature string, different from the name string and utilized to find said source identifier within said file and ... a locator string identifying a network location from which the file is sourced*" (Claim 1, *emphasis added*);

(2) "*replacing said downloaded file at said client with a complete copy of said newer version*" (Claim 1, *emphasis added*);

(3) "*attaching, when no source identifier is present, a source identifier to said downloaded file at said client that indicates the network location from which the downloaded file is obtained*" (Claim 2, *emphasis added*);

(4) "*providing an indication to a user that said newer version of said file exists; prompting said user, prior to initiating a download of the newer version, to select ... said newer version; and ... initiating said replacing of said downloaded file by downloading a complete*

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copy of said newer version in place of a present version, wherein when said user does not request said newer version, ... the newer version is not downloaded" (Claim 3, *emphasis added*); and

(5) "*checking said source responsive to a request to open/access said downloaded file, ... overriding a current time interval by initiating said checking step at the time of receipt of the request to open/access said downloaded file and restarting the current time interval*" (Claim 9, *emphasis added*).

#### I. Downloaded File at a Client with Storing Source & Updates

Turning to the first and third numbered elements, *Ball* does not teach a downloaded file stored at the client with a "source identifier" and/or "a signature string utilized to find said source identifier within said file" and "a locator string identifying a network location from which the file is sourced." Neither does *Ball* teach adding a "source identifier" to a stored file at the client when the file does not have a source identifier stored therewith. At the top of page 3 of the Office Action, Examiner states that *Ball* "teaches at least one of the parameters used to identify the downloaded file," but Examiner expressly refers to only a data/time and version number of the file. Notably also, Examiner further admits that *Ball* "does not state the term 'source identifier.'"

*Ball* does not teach a client-level process that includes identifying a file downloaded to a client from a source on a connected network and identifying the source with a specialized string that is stored with the file. First, *Ball* teaches an "EXTERNAL SERVICE" on the network level that maintains a page downloaded from a repository and later receives and stores any changes to the page at the repository. The EXTERNAL SERVICE serves as a mid-level publisher (web site) at which the page may be accessed by various users via their respective client systems. The functionality associated with storage of the page and its updates, etc., as described by *Ball*, occurs solely on the EXTERNAL SERVICE and NOT on the respective client systems of the end-users. This reading of *Ball* is clearly supported by numbered paragraphs 0052, 0053, 0066, 0069, 0071, 0073, 0105-06, among others.

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With *Ball*, each user provides a “hot list” of pages (identified by URLs) to the EXTERNAL SERVICE to track changes to the pages specified within the hot list. The EXTERNAL SERVICE periodically checks for updates to the page(s) at the repository and receives these updates dynamically (i.e., with NO user input). Only when the user accesses the page at the EXTERNAL SERVICE via a client system does the updated information get presented to the user (see para. 0076 - 77, 0091, 0127, and 0130).

Client-side support is described briefly at para. 0159, clearly differentiating the client-side feature from the EXTERNAL SERVICE functions. The client features are summarized as a user running a program to “store items in the hotlist locally and run htmldiff against a locally saved copy.” *Ball* specifically teaches away from this client-side application, which he describes as “unattractive as the number of pages in the average user’s hotlist increases...” No specific mention is provided of storing any network-level parameters such as source identifier along with the file at the client system, most likely because *Ball* assumes the user has pre-selected the files and their URLs (in the hotlist) and thus has no need to store this information in another location.

Additionally, with respect to these elements, there is absolutely no teaching or suggestion within *Ball* to add a source identifier to an existing file when one is not present. Examiner states that maintaining a list of pages saved is somehow synonymous with or suggestive of adding a source identifier to a file that does not currently have a source identifier. Nothing in *Ball* leads to this conclusion, and even Examiner’s rejection is based on a speculative statement that *Ball* “could attach a source identifier to that page.” *Ball* would have no reason to attach a source ID to a page when *Ball* specifically downloads the page from a known repository with a pre-generated list.

Assuming, *arguendo*, that Applicant’s source ID is a URL, providing a list of URLs is inherently different from actually adding the URL as an attribute of the file and storing the URL with the file. Examiner’s analysis is summed up as a mere speculation that the list of the pages “could attach a source identifier...” deviating from the requirements for a valid 102 analysis.

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### II. Replacing File at Client with Complete Copy of New Version

With respect to numbered element 2, *Ball* provides a system for accessing documents from a remote repository which enables periodic comparisons of the archived copy of the document at the EXTERNAL SERVICE to the current version at the repository and which updates the archive (EXTERNAL SERVICE) to maintain "the ability to reconstruct current versions" from the archived copy (Abstract, etc.). Thus unlike Applicant's claimed invention, which specifically downloads a complete copy of the new version of a file directly from the source to the client, *Ball* retrieves updated portions of the file and sends these updates to a network level EXTERNAL SERVICE. The user of the client may later receive a copy of the update when the user decides to browse to the EXTERNAL SERVICE.

### III. User Selection of When to Download New Version

Turning now to element number 4, Applicant has reviewed the entire *Ball* reference and found *Ball* completely devoid of any teaching or suggestion of actually prompting a user to select whether to replace the downloaded file with the newer version of the file before the newer version is downloaded to the user's client system, and then initiating the download and update only when the user selects the newer version for download.

Examiner clearly mischaracterizes what is taught by *Ball* when Examiner states that *Ball* teaches that "[i]n response to a request ..., a current version of the document, as archived, is presented." Notably, Examiner states that *Ball* teaches "presenting to the user an option to compare selected version as archived ..." (*emphasis added*). *Ball* clearly does not teach prompting the user to select whether to replace the downloaded file at the client system with a new version prior to downloading the new file. First, in *Ball*, the old version of the file is not actually replaced and second, the new version is automatically downloaded and archived within the EXTERNAL SERVICE in order to display to the user the changes between the old version and the new version.

### IV. Overriding Pre-set Update Time Interval

With respect to the fifth element, *Ball* is devoid of any teaching or suggestion of "overriding a current time interval by initiating said checking step at the time of receipt of the

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*request to open/access said downloaded file and restarting the current time interval'* at the client. While *Ball* generally mentions a time period, there is no mention to or suggestion of overriding the time interval when the document is opened by the user and restarting the time interval subsequent to the opening. As previously states, no such function is provided at the client as all updates occur at the EXTERNAL SERVICE, which is a separate entity from the "client" referenced by both *Ball* and Applicant's claims.

The standard for a § 102 rejection requires that the reference teach each element recited in the claims set forth within the invention. For the reasons outlined above, *Ball* fails to meet this standard for several of the elements of Applicant's claims. *Ball* therefore does not anticipate Applicant's invention, and the above claims are all allowable.

#### CLAIM REJECTIONS UNDER 35 U.S.C. § 103

In numbered paragraph 6 of the present Office Action, Claims 4, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ball, et al.* In numbered paragraph 7 of the present Office Action, Claims 8, 19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ball, et al.* in view of *Kullick, et al.* (US Patent No, 5,764,992). Finally, in numbered paragraph 8 of the present Office Action, Claims 7, 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ball, et al.* in view of *Smith, et al.* (US Patent No, 6,006,206).

Each of these claims depends from respective ones of the above independent claims, which Applicant has shown to be allowable over *Ball*. The dependency of these claims on allowable claims makes the present claims also allowable.

Additionally, Applicant further points out that with respect to Claims 7, 18, and 29, Examiner has clearly mischaracterized what is taught by *Smith* since the cited section of *Smith* fails to teach or suggest a default automatic time interval for initiating a check for updates, where the time interval may be adjusted by the user. That cited section of *Smith* only mentions a "heartbeat signal generator for generating and transmitting at a predetermined interval a heartbeat signal including system identifier," where the heartbeat signal alerts the end devices

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that the system is alive and providing current updates. Applicant also notes that given that there is no user control of the time for checking for updates within *Ball*, *Ball* would not suggest enabling a user to define a download/update checking interval at the client or later manipulating/overriding that interval.

Given the above reasons, it is clear that neither *Ball* nor any of the combinations of references suggests key features of Applicant's invention. Thus, one skilled in the art would not find Applicant's invention unpatentable over the combination of references, and Applicant's claims are therefore allowable over the references.

#### Response to Arguments

In the Response to Argument, middle paragraph on page 7 of the Office Action, Examiner requested clarification of "how a file downloaded from a network location would not have a source identifier or a URL." Applicant directs Examiner to Applicant's specification, which generally provides a local area network (LAN) environment being one in which the features of the invention may be applied. Files downloaded from LAN-connected servers may often not include source identifiers. Also, at page 11, lines 2-7, possible types of files are described, including a "PDF file" and a "ZIP file," both of which are traditionally tagged with a file name rather than a source identifier, even when downloaded from the network.

Examiner's analysis apparently does not account for these other implementations because Examiner clearly relies on *Ball's* description, which applies to the URL of the PAGES that are being updated. Taking a step back from *Ball*, however, provides a clearer picture of what is indeed the focus of Applicant's invention and distinguishes the client-level response to a general network file update from a PAGE update at a URL that is being tracked at a network-level EXTERNAL SERVICE.

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CONCLUSION

Applicant has diligently responded to the Office Action by amending the claims to more clearly recite the novel features of the claimed invention and provided arguments to overcome the claim rejections. Since the amendments and supporting arguments overcome the §102 and §103 rejections, Applicant respectfully requests reconsideration of the rejection and issuance of a Notice of Allowance for all claims now pending.

Applicant further respectfully requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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